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Application No. 04 751 687.7 - 2307	Ref. TBANDT/P82423	Date 30.03.2006
Applicant INTELLIPACK		

**Communication pursuant to Article 96(2) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

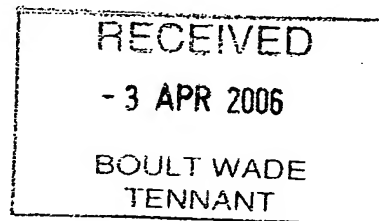
One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).**



Kopp, C  
Primary Examiner  
for the Examining Division

Enclosure(s): 5 page/s reasons (Form 2906)





Datum  
Date 30.03.2006  
Date

Blatt  
Sheet 1  
Feuille

Anmelde-Nr.:  
Application No.: 04 751 687.7  
Demande n°:

The examination is being carried out on the **following application documents**:

**Description, Pages**

1-48 as published

**Claims, Numbers**

1-27 filed with entry into the regional phase before the EPO

**Drawings, Sheets**

1/38-38/38 as published

- 1) The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US-A-5 950 875

D2: US-A-5 791 522

D3: US-A-3 144 210

D4: US-A-4 377 256

**Novelty**

- 2) Independent apparatus claim 1:

The document D1 discloses (the references in parentheses applying to this document):

**A dispenser module, comprising:**

**a housing (Fig. 6)**

**a fluid reception chamber provided within said housing and having a rod**



passageway formed in the fluid reception chamber (Fig. 6, reference sign 82) and at least one port in fluid passage communication with said passageway;  
a rod received in said rod passageway;  
locking means for preventing fluid reception chamber adjustment in conjunction with an adjustment in position of said rod (Fig. 6, reference sign 90);  
wherein said fluid reception chamber is formed of a cold flow block of material with a hole formed therein to define said rod passageway (column 6, lines 32-34), and compression means for imposing compressive forces on said fluid reception chamber (Fig. 6, reference sign 94).

The subject-matter of claim 1 is therefore not new.

3) Independent apparatus claim 15:

The document D1 discloses (the references in parentheses applying to this document):

**A mixing module for a two chemical component dispenser system, comprising:**  
**a housing having a reception cavity and front and rear ends;**  
**a mixing chamber formed of a cold flow material (column 6, lines 32-34) and received in said housing, and said mixing chamber having first and second chemical ports and a rod passageway formed therein (Fig. 6, reference signs 24 and 26);**  
**a rod received in said rod passageway;**  
**a compression device which is positioned within said housing in a compression relationship with said mixing chamber (Fig. 6, reference sign 94);**  
**a front closure cap releasably secured to the front of said housing and having a chemical discharge cavity formed in said front closure cap (Fig. 6, reference sign 12);**  
**a rear closure cap releasably secured to the rear of said housing and having a rod reception cavity formed in said rear closure cap (Fig. 6, reference sign 96).**

The subject-matter of claim 15 is therefore not new.

4) Independent apparatus claim 23:

The document D1 discloses (the references in parentheses applying to this document):

**A mixing module, comprising:**

**a housing;**

**a mixing chamber formed of a cold flow material (column 6, lines 32-34) and having a rod passageway and a pair chemical inlet ports opening into said rod passageway;**

**a valving rod received within said mixing chamber and adjustable between a chemical inlet ports seal of mode and a chemical free passage mode (Fig. 6, reference sign 58);**

**compression means within said housing for compressing the cold flow material of said mixing chamber (Fig. 6, reference sign 94), and**

**said mixing chamber and said housing having means for preventing adjustment of said mixing chamber relative to said compression means when said rod and mixing chamber temporarily join together in dispensing operation, and said rod is drawn back within said mixing chamber (Fig. 6, reference signs 90 and 94).**

The subject-matter of claim 23 is therefore not new.

4) Independent method claims 24 and 27:

Method claims 24 and 27 refer to the normal assembling and use of the apparatus specified in claim 1.

Since the subject matter of the apparatus claim 1 is not novel the subject matter of method claims 24 and 27 are also not new.

**Further Objections**

5) Claims 1, 15, 23 have been drafted as separate independent claims.

Under Article 84 in combination with Rule 29(2) EPC an application may contain



more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application however since the subject matters of said claims can be summarized to one single claim.

- 6) Independent claims 1, 15, 23 are not in the two-part form in accordance with Rule 29(1) EPC, which in the present case would be appropriate, with those features known in combination from the prior art (D1) being placed in the preamble (Rule 29(1)(a) EPC) and with the remaining features being included in the characterising part (Rule 29(1)(b) EPC).
- 7) The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 29(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.11).
- 8) The units "inch", "lbf", "psi" and °F employed on pages 8, 9, 15, 25, 31-35, 37, 38, 44, 47, 48 are not additionally expressed in terms of the units stipulated by Rule 10.1/(a)/and/(b) PCT.  
The units "inch", "lbf", "psi" and °F employed on pages 8, 9, 15, 25, 31-35, 37, 38, 44, 47, 48 do not meet the requirements of Rule 35(12) EPC and should be replaced by the appropriate SI units (cf. the Guidelines, C-II, Annex 1). The present expressions should, however, be retained in parentheses after the replacement expressions.
- 9) The vague and imprecise statement in the description on page 48, last paragraph implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 84 EPC) when used to interpret them.

### Further Procedure



- 10) The applicant is invited to file new claims which take account of the above comments. Whilst it is possible that a feature can be found amongst the dependent claims that would render the independent claims novel, the discussion must then address the question of whether such a feature is truly inventive (Art. 56 EPC). Therefore, should the applicant submit a new independent claim, he is strongly requested to provide a thorough problem-solution analysis to justify its inventiveness.

When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

- 11) To meet the requirements of Rule 27(1)(b) EPC, D1-D4 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.